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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,551	02/19/2004	Harry S. Sowden	MCP0295 DIV	5149

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EXAMINER	
RIDLEY, RICHARD	

ART UNIT	PAPER NUMBER
3651	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,551	SOWDEN ET AL.	
	Examiner	Art Unit	
	Richard Ridley	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, line 1+, it is unclear whether the phrase "...**for** transferring substrates from a first operating module comprising a first rotor adapted to carry...second rotor adapted to carry...", is intended to be a positively recited limitation or not. The phrase, as written, appears to be part of the preamble stating intended use since in line 4 of the claim begins to state what the "apparatus comprises", rather than what it is "for". For clarity on what should be given patentable weight, the examiner suggest writing the claim in accordance with 37 CFR 1.75(i).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 6, 7, 10, 12, 13, 19, 20, 21, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cvacho USP 3563170. Cvacho discloses a similar device comprising a(n):

- Flexible conveyor (fig. 21)
- Plurality of transfer units (140) that rotate while they are moved
- Cam track (172)
- Means for driving said conveying means (151, 152)
- Cam followers (fig. 21) that ride in said cam track (172)
- Drive pulley (151 or 152) and idler pulley (151 or 152)

3. Claims 1, 2, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander USP 3330400. Alexander discloses a similar device comprising a(n):

- Flexible conveyor (fig. 21)
- Plurality of transfer units (27) that rotate while they are moved
- Cam track (46, 48)
- Means for driving said conveying means (inherent)
- Cam followers (44) that ride in said cam track (46, 48)
- Drive pulley (22 or 23) and idler pulley (22 or 23)
- Rotatable arm (43) linked to said transfer units (27)

4. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vos USP 6234300. De Vos discloses a similar device comprising a(n):

- Flexible conveyor (12)
- Plurality of transfer units (17) that rotate while they are moved
- Cam track (28)
- Means for driving said conveying means (inherent)
- Cam followers (29) that ride in said cam track (28)
- Drive pulley (fig. 1) and idler pulley (fig. 1)
- First and second retainers (31) made of an elastomeric material
- Rotateable actuator arm & plunger shafts (fig. 3-5) linked to transfer units

5. Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of US Patent 6742646. Although the conflicting claims are not identical, they are not patentably distinct from each other because they only differ in obvious variations of breadth and scope.

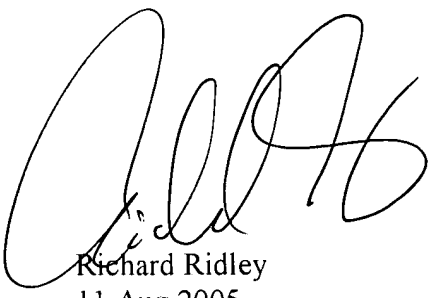
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Ridley
11 Aug 2005

Richard Ridley
Primary Examiner
Art Unit 3651